

REMARKS

Applicants express gratitude to the Examiner for indicating present claims 1-4, and 6-32 as allowable.

Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejections in view of the foregoing amendments and following remarks. Claims 5, 39, 40, 42, and 43 have been amended to put the application in better condition for allowance. New claim 47 has been added. No new matter has been added.

Claim Rejections- 35 USC §112

Claims 39-46 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that according to claim 39, one can utilize any polypeptide domain, regardless of source, to treat any disease state. Similar allegations were made for the remaining claims related to mammals with tuberculosis, immunodeficient mammals, mammals with HIV, mammals with tumors, mammals with superficial bladder cancer, animals and humans.

With regard to claim 39, Applicants submit that the claim has been amended to additionally recite:

wherein the domain or peptide or polypeptide capable of eliciting an immune response to said disease state is selected from the group consisting of autoantigens, tumor antigens, virus antigens, parasite antigens, bacterial antigens and immunogenic fragments thereof.

which is supported by claim 21.

With regard to claim 40, Applicants submit that the claim has been amended to additionally recite:

wherein the domain capable of eliciting an immune response is selected from the group consisting of Mycobacterium antigens Ag85B (M. tuberculosis), Ag85B (M. bovis), Ag85A (M. tuberculosis) and ESAT-6 (M. tuberculosis) or an immunogenic fragment thereof.
which is supported by claim 8.

With regard to claim 42, Applicants submit that the claim has been amended to additionally recite:

wherein the domain capable of eliciting an immune response is selected from the group consisting of a HIV antigen, p17, p24, RT, and Env.
which is supported by page 5, lines 7-8 of the specification.

With regard to claims 43 and 44, Applicants submit that the claim has been amended to additionally recite:

wherein the domain capable of eliciting an immune response is a tumor antigen.
which is supported by page 4, line 35 of the specification.

Applicants submit that claims 39-46, as amended, confer the capability to elicit an immune response to the specific disease state that one seeks to treat. One of ordinary skill in the art would know which type of immune response to elicit to treat a given disease, e.g. autoantigens for autoimmune disease states, tumor antigens for tumor diseases, virus antigens for viral infections, parasite antigens for parasitic diseases, and bacterial antigens for diseases caused by bacterial infections. Further, specific domains used to treat diseases are explicitly recited in the claims. Thus,

Applicants submit that the claims, as amended, are supported by the written disclosure which provides a description of how to use the presently claimed method.

Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner asserts that embodiment (c) in claim 5 is vague and indefinite because the reaction conditions encompassed by a stringent hybridization are not defined. Applicants submit that claim 5 has been amended to define the conditions encompassed by the stringent hybridization as supported by the disclosure on page 6, lines 16-20 of the specification.

New Claims

New claim 47 has been added to define a further embodiment of the invention. Support for this claim is found on page 5, lines 1-5 of the specification.

Conclusions

In view of the foregoing amendment and remarks presented herein, all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Early and favorable action is awaited.

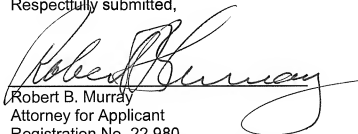
Applicant believes that a full and complete reply has been made to the outstanding Office Action and a Notice of Allowance is respectfully solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required with respect to this paper to Counsel's Deposit Account No.02-2135.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Robert B. Murray", is written over a horizontal line.

Robert B. Murray
Attorney for Applicant
Registration No. 22,980
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040